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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/361,803	07/27/1999	MITSUHIRO KUNIEDA	35.G2440	5976
5514	7590	03/04/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			RODEE, CHRISTOPHER D	
			ART UNIT	PAPER NUMBER
			1756	
DATE MAILED: 03/04/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/361,803

Applicant(s)

KUNIEDA ET AL.

Examiner

Christopher RoDee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24 and 26 is/are allowed.
- 6) ☒ Claim(s) 23 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4 February 2005 has been entered.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over either JP 07-281464.

JP '464 discloses an electrophotographic photoreceptor having a conductive support, a charge generating layer containing an azo pigment given by the formula I, and an amine charge transport compound given by the formula II (Abstract). The exemplified photoreceptors start in ¶ [0035] and have an aluminum plate, an under layer, a charge generation layer with azo pigment E-6 (see Table 1), and a charge transport layer with a bisphenol-Z polycarbonate binder and an amine charge transport compound T-2 (see Table 3). See the other formulations presented in Table 19 for the photoreceptor layers.

The reference does not specify the transmittance of the charge transport layer at the wavelengths where the member is exposed but the artisan would expect the charge transport

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layer to have little absorbance (i.e., a large transmittance) in the wavelength of exposure because if the charge transport layer absorbed a large amount of light in the exposure wavelength it would reduce the charge generation effect in the charge generation layer. The charge generation effect is catalyzed by light and the artisan would expect and desire the maximum amount of exposure light to reach the charge generation layer. Consequently, the claimed transmittance is either inherent in the JP '464 reference or would have been obvious for the reasons given.

The primary JP reference does not disclose the process cartridge of the claims, but the Examiner takes Official Notice that the specified structures of the process cartridge are well known in the art. As evidence the Examiner refers to toner cartridges for Laser Printers, which were ubiquitous in office copying and word processing at the time of the invention. Applicants are advised that the process cartridge does not require the specified semiconductor laser as a component of the process cartridge.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to place the JP '464 photoreceptor in a process cartridge having the specified structure of the instant claims because the basic structure of the process cartridge is exceedingly well known in the art and placing the photosensitive member in a process cartridge or would permit the artisan to reproduce images quickly, as is common in home and office settings.

Applicants' remarks have been considered but are moot in view of this new ground of rejection.

Claims 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over either JP 09-090654.

The primary JP reference discloses a photoreceptor having a conductive substrate having aluminum deposited on polyester, a charge generation layer containing an azo pigment given by the general formula I and the specific formula 23 (¶ [0114]), and a charge transport layer having a triaryl amine given by the general formula II and the specific formula 29 (¶ [0114]). Other combinations of charge generating azo pigment and triarylamine charge transport compound are present in the other examples.

The primary reference does not specify the transmittance of the charge transport layer at the wavelengths where the member is exposed but the artisan would expect the charge transport layer to have little absorbance (i.e., a large transmittance) in the wavelength of exposure because if the charge transport layer absorbed a large amount of light in the exposure wavelength it would reduce the charge generation effect in the charge generation layer. The charge generation effect is catalyzed by light and the artisan would expect and desire the maximum amount of exposure light to reach the charge generation layer. Consequently, the claimed transmittance is either inherent in JP '654 or would have been obvious for the reasons given.

The primary JP reference does not disclose the process cartridge of the claims, but the Examiner takes Official Notice that the specified structures of the process cartridge are exceedingly well known. As evidence the Examiner refers to toner cartridges for Laser Printers, which were ubiquitous in office copying and word processing at the time of the invention. Applicants are advised that the process cartridge does not require the specified semiconductor laser as a component of the process cartridge.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to place the photoreceptor of JP '654 in a process cartridge having the specified structure of the instant claims because the basic structure of the process cartridge is

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exceedingly well known in the art and placing the photoreceptor in a process cartridge would permit the artisan to reproduce images quickly, as is common in home and office settings. Applicants' remarks have been considered but are moot in view of this new ground of rejection.

The previously applied grounds of rejection are overcome by applicants' amendments.

Allowable Subject Matter

Claims 24 and 26 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher RoDee whose telephone number is 571-272-1388. The examiner can normally be reached on most weekdays from 6:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Huff can be reached on 571-272-1385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cdr
23 February 2005



CHRISTOPHER RODEE
PRIMARY EXAMINER